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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EBAY INC., ) Case No. 08-4052  
vs. )  
Plaintiff, ) KESSLER'S FLYING CIRCUS' JOINDER  
vs. ) IN THE REPLY BRIEF OF TODD DUNNING  
DIGITAL POINTS SOLUTIONS, INC., ) AND DUNNING ENTERPRISES, INC., AND  
SHAWN HOGAN; KESSLER'S FLYING ) THE REPLY OF THUNDERWOOD  
CIRCUS; THUNDERWOOD HOLDINGS, ) HOLDINGS, INC., BRIAN DUNNING AND  
INC.; TODD DUNNING; DUNNING ) BRIANDUNNING.COM IN OPPOSITION TO  
ENTERPRISES, INC.; BRIAN DUNNING; ) MOTION TO DISMISS PLAINTIFF'S FIRST  
BRIANDUNNING.COM; and DOES 1-20, ) AMENDED COMPLAINT  
Defendants. )  
Date: December 12, 2008  
Time: 9:00 a.m.  
Ctrm: 3 - Hon. Jeremy Fogel presiding

**TO THE HONORABLE JEREMY FOGEL, UNITED STATES DISTRICT JUDGE AND ALL  
PARTIES AND THEIR ATTORNEYS OF RECORD:**

Kessler’s Flying Circus (“KFC”) does hereby join with and adopt the arguments set forth in the Reply Brief of Todd Dunning and Dunning Enterprises, Inc, and the Reply by Defendants

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Thunderwood Holdings, Inc., Brian Dunning and Briandunning.com to Motion to Dismiss Plaintiff's First Amended Complaint filed herein.

**DATED: NOVEMBER 26, 2008** **LAW OFFICE OF PATRICK K. McCLELLAN**

BY: /s/ PATRICK K. McCLELLAN  
PATRICK K. Mc CLELLAN  
Attorney for Defendant  
Kessler's Flying Circus